FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7508 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.P.S. Dani for the petitioner.

CORAM : R.S. MOHITE,J.
DATED : 24.11.2005.

P.C.

1. By this petition, the petitioner impugns an order passed by the II Joint Civil Judge, S.D., Pune below Exh.377 in Special Darkhast No.16/1983. The petitioner is the original decree holder. It appears that in a suit for specific performance, the applicant had taken possession in the year 1998 and the sale deed has also been executed on 8.11.2000. That, there were some arrears of Municipal taxes which were liable to be paid by the vendor. The decree holder paid the said taxes prior to the execution of the sale deed. This was sought to be recovered by

filing the aforesaid application Exh.377 in the said special darkhast. I have perused the impugned order. The application was rejected by the executing court on the ground that the payment of Municipal taxes was not integral part of the decree. No fault can be found in the finding of the trial court. No substance in the petition. If any amount was paid by the petitioner on behalf of the original vendor, all other civil remedies for recovery of the same are open.

(R. S. MOHITE, J.)